

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CASE NO. 5-08-bk-51026

JONATHAN WILES :
a/k/a JONATHAN ERIC WILES :
a/k/a JONATHAN E. WILES, and :
JAMIE WILES :
a/k/a JAMIE MARIE WILES :
a/k/a JAMIE MARIE WILES :

Debtors. : CHAPTER 13

JONATHAN WILES :
a/k/a JONATHAN ERIC WILES :
a/k/a JONATHAN E. WILES, and :
JAMIE WILES :
a/k/a JAMIE MARIE WILES :
a/k/a JAMIE MARIE WILES :

Plaintiffs :

vs. :

AT & T MOBILITY AND :
AFNI, INC. :

ADVERSARY NO. _____

Defendant :

**COMPLAINT TO RECOVER DAMAGES FOR VIOLATION
OF THE AUTOMATIC STAY**

AND NOW COMES the Plaintiffs/Debtors, Jonathan and Jamie Wiles, by and through their attorney, Tullio DeLuca, Esquire, and makes this Complaint to Recover Damages for Violation of the Automatic Stay and, in support thereof, avers as follows:

1. Debtors filed their Chapter 13 voluntary petition on April 4, 2008.
2. Defendant, AT&T Mobility, upon information and belief, is now the current owner of the account opened by the Plaintiff with Cingular Wireless, by way of the acquisition of Bellsouth, former owner of Cingular, by AT&T.
3. On or about May 2, 2008, Cingular Wireless was electronically served with the Notice of 341 Meeting of Creditors. A copy of the Certificate of Mailing of 341 Meeting Notice is

attached hereto and made a part hereof, and marked as Exhibit "A".

3. On or about May 2, 2008, AFNI, Inc., was electronically served with the Notice of 341 Meeting of Creditors. A copy of the Certificate of Mailing of 341 Meeting Notice is attached hereto and made a part hereof, and marked as Exhibit "A".

4. Subsequent to being notified of the filing of the Chapter 13 bankruptcy, on January 24, 2009, an invoice was forwarded by AFNI, Inc., by First Class Mail, requesting payment for pre-petition debt. Said invoice is attached hereto, and marked as Exhibit "B."

5. AT&T Mobility hired AFNI, Inc. to collect on the pre-petition debt. AT&T Mobility had AFNI, Inc. continue to pursue collection efforts on the pre-petition debt after being notified of the Bankruptcy filing.

6. Based on the foregoing facts and the Exhibits attached hereto and made a part hereof, AT&T Mobility and AFNI Inc.'s, conduct is in violation of the automatic stay, 11 U.S.C. Section 362.

WHEREFORE, Debtors, Jonathan and Jamie Wiles, by , requests the following relief:

1. An order adjudging AT&T Mobility and AFNI. Inc. in civil contempt for violation of the automatic stay provisions of Section 362 of the Bankruptcy Code.

2. An order awarding debtor damages, including punitive damages for AT&T Mobility and AFNI. Inc.'s continued and repeated violations of the automatic stay, along with costs and attorney's fees incurred as a result of the violations of the automatic stay by AT&T Mobility and AFNI. Inc.

3. Such other and further relief as the court may deem appropriate.

Respectfully submitted,



Tullio DeLuca, Esquire
Attorney I.D. 59887
Attorney for Debtors
381 North 9th Street,
Scranton, Pennsylvania 18504
570-347-7764

Dated this 9th day of March 2009.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a Chapter 13 bankruptcy case on 4/11/08. You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office or electronically through "PACER" (Public Access to Court Electronic Records). **NOTE:** The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Jonathan Wiles
aka Jonathan Eric Wiles, aka Jonathan E. Wiles
147 Bear Creek Rd.
Schuylkill Haven, PA 17972

Jamie Wiles
aka Jamie Marie Wiles, aka Jamie M. Wiles
147 Bear Creek Rd.
Schuylkill Haven, PA 17972

Case Number:
5:08-bk-51026-RNO

Social Security No./Last 4 digits or Taxpayer ID Nos.:
xxx-xx-8197
xxx-xx-3381

Attorney for Debtor(s) (name and address):
Tullio DeLuca
381 N. 9th Street
Scranton, PA 18504
Telephone number: 570 347-7764

Bankruptcy Trustee (name and address):
Charles J. DeHart, III (Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Telephone number: 717 566-6097

Meeting of Creditors:

~~All individual debtors must provide picture identification and proof of social security at the meeting of creditors.~~

Date: **June 2, 2008**

Time: **11:00 AM**

Location: **Genetti Hotel, 77 East Market Street, Wilkes-Barre, PA**

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim PROOF OF CLAIM FORM IS INCLUDED.

All creditors who file proof of claim MUST serve a true copy of said claim upon the Chapter 13 Case Trustee.

For all creditors (except a governmental unit): **8/31/08**

For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002(c)(1)):
180 DAYS FROM THE ORDER GRANTING RELIEF

CREDITORS WITH A FOREIGN ADDRESS

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Deadline to file a Complaint to Determine Dischargeability of Certain Debts: 8/1/08

Filing of Proposed Plan, Objections to the Plan:

A copy of the proposed plan (or summary) is included. Any objections filed to the plan that are not settled prior to the confirmation hearing will be heard at the confirmation hearing. If no objections are filed, the court may enter an order confirming the plan. **You will receive separate notice of the confirmation hearing and deadline for objections to confirmation of the plan.**

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court
274 Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701
Telephone number: 570-826-6450

Hours Open: Monday - Friday 8:00 AM - 5:00 PM

For the Court:

Clerk of the Bankruptcy Court

Date: 5/2/08

Exhibit "A"

Bankruptcy Noticing Center
2525 Network Place, 3rd Floor
Herndon, Virginia 20171-3514

CERTIFICATE OF SERVICE

District/off: 0314-5
Case: 08-51026

User: PHartman
Form ID: B91

Page 1 of 2
Total Served: 59

Date Rcvd: May 02, 2008

The following entities were served by first class mail on May 04, 2008.

db +Jonathan Wiles, 147 Bear Creek Rd., Schuylkill Haven, PA 17972-9053
jdb +Jamie Wiles, 147 Bear Creek Rd., Schuylkill Haven, PA 17972-9053
aty +Tullio DeLuca, 381 N. 9th Street, Scranton, PA 18504-2005
cr +Capital One Auto Finance, P.O. Box 829009, Dallas, Tx 75382-9009
2996995 +ABF Freight Systems, Inc., c/o Amato Associates, 107 N. Commerce Way,
Bethlehem, PA 18017-8913
2996997 +American Radiology, 8820 Columbia 100 Pkwy., Columbia, MD 21045-2163
2997000 +Baltimore Heart Associates, P.O. Box 64965, Baltimore, MD 21264-4965
2997001 +Berks Credit & Collections,, P.O. Box 329, Temple, PA 19560-0329
2997006 +CBCS, 875 Greentree Road, Pittsburgh, PA 15220-3508
2997008 +CBCS, 821 Pre Empton Road, Bldg. 100, Geneva, NY 14456-2094
2997012 +CIT Bank, 715 S. Metropolitan Ave., P.O. Box 24330, Oklahoma City, OK 73124-0330
2986365 +Capital One Auto Finance, P.O. Box 829009, Dallas, Texas 75382-9009
2997005 +Capital One Auto Finance, P.O. Box 260848, Plano, Tx 75026-0848
2997009 +Central Tax Bureau of PA, In, 131 West Front St., Berwick, PA 18603-4701
2997013 +Comcast-PA, 1555 Suzy St., Lebanon, PA 17046-8318, Attn: Bankruptcy
2997014 +First Energy, 2800 Pottsville Pike, P.O. Box 16001, Reading, PA 19612-6001
2997016 +HealthCare Cable Systems, In, The Hospital Television Co., P.O. Box 4346, Dept. 230,
Houston, TX 77210-4346
2997017 +Homecomings Financial Networ, 9350 Waxie Way, San Diego, CA 92123-1015
2994001 +Homecomings Financial, LLC, as Servicer for the, Homecomings Financial, LLC, 3451 Hammond Ave,
Waterloo, IA 50702-5345
2997018 +Howard County General EKG, P.O. Box 43130, Baltimore, MD 21236-0130
2997019 +Howard County General Hospit, P.O. Box 630831, Baltimore, MD 21263-0831
2994631 +JPMORGAN CHASE BANK N.A., PO BOX 901032, FT WORTH, TX 76101-2032
2997022 +JPMorgan Chase Bank, N.A., P.O. Box 29505, Phoenix, AZ 85038-9505
2997020 +Joan Geary, Tax Collector, 2 Millers Road, Schuylkill Haven, PA 17972-9387
2997021 +Johns Hopkins Hospital, 600 N. Wolfe St. #B110, Baltimore, MD 21287-0005
2997023 +MCI, P.O. Box 3400, Cedar Rapids, IA 52406-3400
2997024 +Mercantile Adjustment Bureau, PO. Box 9016, Williamsville, NY 14231-9016
2997026 +National Asset Recovery, 16253 Swingley Ridge Road, Chesterfield, MO 63017-1799
2997027 +National Recovery Agency, 2491 Paxton Street, Harrisburg, PA 17111-1036
2997028 +Nationwide Credit, 2015 Vaughn Rd., Bldg. 400, Kennenshaw, GA 30144-7802
2997029 +Nationwide Credit Corp., P.O. Box 1022, Wixom, MI 48393-1022
2997030 +Nationwide Credit Corporatio, P.O. Box 1022, Wixom, MI 48393-1022
2997031 +Paragon Way, 2101 W. Ben White Blvd., #103, Austin, TX 78704-7517
2997033 +Pottsville Hospital, 420 S. Jackson St., Pottsville, PA 17901-3692
2997034 +Quantum Medical Imaging, 2002 Orville Drive North, Ronkonkoma, NY 11779-7661
2997035 +R & R Professional Recovery, P.O. Box 21575, Pikesville, MD 21282-1575
2997036 +Schuylkill County Tax Claim, 401 N. Second St., Pottsville, PA 17901-1756
2997038 +Sinai Hospital of Baltimore, 2401 West Belvedere Ave., Baltimore, MD 21215-5270
2997040 +Tobash Home Heating, 540 Route 61 S, Schuylkill Haven, PA 17972-9734
2997041 +United Consumer Financial Se, 865 Bassett Road, Westlake, OH 44145-1194
2997042 +Universal Collection Service, 5707 Calverton Street, Suite 2A, Baltimore, MD 21228-1772
2997043 +Verizon, 3900 Washington Street, Wilmington, DE 19802-2125
2997045 +West Asset Management, 2703 N. Highway 75, Sherman, TX 75092
2997046 +Zales Credit Plan, P.O. Box 689182, Des Moines, IA 50368-9182

The following entities were served by electronic transmission on May 02, 2008.

tr +E-mail/Text: jdragas@pamd13trustee.com Charles J. DeHart, III (Trustee),
8125 Adams Drive, Suite A, Hummelstown, PA 17036-8625
2996996 +EDI: AFNIRECOVERY.COM May 02 2008 16:34:00 AFNI, P.O. Box 3427,
Bloomington, IL 61702-3427
2996998 +EDI: ARROW.COM May 02 2008 16:35:00 Arrow Financial Services, 5996 W. Touhy Ave.,,
Niles, IL 60714-4610
2996999 +EDI: ACCE.COM May 02 2008 16:34:00 Asset Acceptance Corp., P.O. Box 2036,
Warren, MI 48090-2036
2997007 +EDI: CBCSI.COM May 02 2008 16:34:00 CBCS, P.O. Box 163250, Columbus, OH 43216-3250
2997002 +EDI: CAPITALONE.COM May 02 2008 16:34:00 Capital One, P.O. 30285,
Salt Lake City, UT 84130-0285
2997003 +EDI: CAPITALONE.COM May 02 2008 16:34:00 Capital One, P.O. Box 5155,
Norcross, GA 30091-5155, Attn: Bankruptcy Dept.
2997004 +E-mail/PDF: ebnotices@ascensioncapitalgroup.com May 02 2008 20:24:59
Capital One Auto Finance, c/o Ascension Capital Group, P.O. Box 201347,
Arlington, TX 76006-1347
2997010 +EDI: CAUT.COM May 02 2008 16:35:00 Chase Automotive Financing, National Recovery Group,
P.O. Box 29505, Phoenix, AZ 85038-9505
2997011 +EDI: CINGMIDLAND.COM May 02 2008 16:34:00 Cingular Wireless, 15901 E. Skelly Drive,
Tulsa OK 74116-2809
2997015 +EDI: RMSC.COM May 02 2008 16:34:00 GE Capital Corp., P.O. Box 29116,
Shawnee Mission, KS 66201-1416
2997025 +EDI: MIDS.COM May 02 2008 16:34:00 Midland Credit Management, 8875 Aero Dr., Suite 2,
San Diego, CA 92123-2251
2997032 +E-mail/Text: blegal@phfa.org PHFA, 211 N. Front St., P.O. Box 15530,
Harrisburg, PA 17105-5530
2997031 +EDI: CFSX.COM May 02 2008 16:34:00 Paragon Way, 2101 W. Ben White Blvd., #103,
Austin, TX 78704-7517
2997039 +EDI: NEXTEL.COM May 02 2008 16:34:00 Sprint/Nextel, Attn: Bankruptcy, P.O. Box 172408,
Denver, CO 80217-2408
2997044 +EDI: AFNIVZIRE.COM May 02 2008 16:35:00 Verizon Wireless, 2000 Corporate Drive,
3rd Floor, Orangeburg, NY 10962-2634

TOTAL: 16

District/off: 0314-5
Case: 08-51026

User: PHartman
Form ID: B9I

Page 2 of 2
Total Served: 59

Date Rcvd: May 02, 2008

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
2997037* +Schuylkill County Tax Claim, 401 N. Second St., Pottsville, PA 17901-1756 TOTALS: 0, * 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 04, 2008

Signature: 



Afni, Inc.
404 Brock Drive
PO Box 3427
Bloomington, IL 61702-3427
www.afnicollections.com

SETTLEMENT OFFER

Pay half of your balance due to settle your account today

We are making another attempt to contact you regarding your overdue account. In an effort to resolve this matter we will accept \$178.93, half of the current amount due. Once paid, our records will reflect the status of your account with Afni, Inc. as settled in full.

If you have any questions, please contact our office toll free at (866)265-6111 Monday through Friday 7am - 9pm CST. For proper credit on your account please write this number 007405753-02 on your payment.

To manage your account online, visit us at www.afnicollections.com. You can login with your account number and last 4 digits of your Social Security number. You can pay securely online using your debit card, Visa®, MasterCard®, or checking account and have your receipt available online once your payment posts.

Credit card payments by mail are also accepted. Credit card payment options are located on the back of the payment stub located at the bottom of this letter and can be mailed back inside the enclosed envelope.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This letter is from a debt collector.

Please retain this information for your records

Afni, Inc. Account #	Balance Due	Original Creditor	Creditor Account #	Date
007405753-02	\$357.86	AT&T MOBILITY	19415454	1/24/2009

Detach along perforation and return bottom portion along with payment in the enclosed envelope. Credit card payment options are on the back of notice.



For proper credit, please include your Afni account # listed below on your check



AFN60-0124K510784-OWSP-2 764

Department 555
PO BOX 4127
CONCORD, CA 94524

Afni, Inc. Account #: 007405753-02
Original Creditor: AT&T MOBILITY
Client Account #: 19415454
Date: 1/24/2009
Toll Free: (866)265-6111

Discounted Amount Due: \$178.93

Address Service Requested

#BWNFTZF #AFN1056966909014#

1 02007405753 441232 35786



JAMIE WILES
147 BEAR CREEK RD
SCHUYLKILL HAVEN PA 17972-9053

PO Box 3427
Bloomington, IL 61702-3427



Exhibit "B"